

SENATE BILL No. 6

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16-6-6.

Synopsis: Petitioning for support for educational needs. Adds certain provisions in the paternity statute regarding petitioning for educational support to the dissolution of marriage statute. (The introduced version of this bill was prepared by the Indiana child custody and support advisory committee.)

Effective: July 1, 2012 (retroactive).

Steele, Tallian

January 7, 2013, read first time and referred to Committee on Judiciary.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 6



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-16-6-6, AS AMENDED BY P.L.111-2012,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012 (RETROACTIVE)]: Sec. 6. (a) The duty to support a
4 child under this chapter, which does not include support for
5 educational needs, ceases when the child becomes nineteen (19) years
6 of age unless any of the following conditions occurs:
7 (1) The child is emancipated before becoming nineteen (19) years
8 of age. In this case the child support, except for the educational
9 needs outlined in section 2(a)(1) of this chapter, terminates at the
10 time of emancipation, although an order for educational needs
11 may continue in effect until further order of the court.
12 (2) The child is incapacitated. In this case the child support
13 continues during the incapacity or until further order of the court.
14 (3) The child:
15 (A) is at least eighteen (18) years of age;
16 (B) has not attended a secondary school or postsecondary
17 educational institution for the prior four (4) months and is not



1 enrolled in a secondary school or postsecondary educational
 2 institution; and
 3 (C) is or is capable of supporting himself or herself through
 4 employment.
 5 In this case the child support terminates upon the court's finding
 6 that the conditions prescribed in this subdivision exist. However,
 7 if the court finds that the conditions set forth in clauses (A)
 8 through (C) are met but that the child is only partially supporting
 9 or is capable of only partially supporting himself or herself, the
 10 court may order that support be modified instead of terminated.
 11 (b) For purposes of determining if a child is emancipated under
 12 subsection (a)(1), if the court finds that the child:
 13 (1) is on active duty in the United States armed services;
 14 (2) has married; or
 15 (3) is not under the care or control of:
 16 (A) either parent; or
 17 (B) an individual or agency approved by the court;
 18 the court shall find the child emancipated and terminate the child
 19 support.
 20 **(c) A child who is receiving child support under an order issued**
 21 **before July 1, 2012, may file a petition for educational needs until**
 22 **the child becomes twenty-one (21) years of age.**
 23 **(d) A child who is receiving child support under an order issued**
 24 **after June 30, 2012, may file a petition for educational needs until**
 25 **the child becomes nineteen (19) years of age.**
 26 **SECTION 2. An emergency is declared for this act.**

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